

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR
&
THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

Friday, the 6th day of October 2023 / 14th Aswina, 1945
CRL.M.APPL.NO.3/2023 IN CRL.A NO.740 OF 2018

SC NO.421/2009 OF COURT OF ADDITIONAL SESSIONS JUDGE-IV, THALASSERY

PETITIONER/APPELLANT/9TH ACCUSED:

PATTAKKA SURESH BABU, AGED 46 YEARS,
S/O.CHATHUKUTTY, CHAMALAYIL HOUSE,
KUTHUPARAMBA AMSOM, MOORIYAD,
KANNUR - 670643.

RESPONDENT/RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM-682031.

Application praying that in the circumstances stated therein the High Court be pleased to suspend the sentence passed against the Petitioner in the judgement dated 04.04.2018 in SC No.421/2009 on the files of the Additional Sessions Court - IV, Thalassery and such other consequential orders as this Hon'ble Court deems fit, pending the final disposal of the above numbered criminal appeal, in the interest of justice.

This Application coming on for orders upon perusing the application and upon hearing the arguments of SRI.NANDAGOPAL S.KURUP, Advocate for the petitioner and of SRI. E.C. BINEESH, PUBLIC PROSECUTOR for the respondent, the court passed the following:

P.T.O.

DR. A.K.JAYASANKARAN NAMBIAR, J.
&
DR. KAUSER EDAPPAGATH, J.

Crl.M.Appln.NO.3 OF 2023
IN
Crl.A.NO.740 OF 2018

Dated this the 6th day of October, 2023

ORDER

Dr. Kauser Edappagath, J.

The petitioner/appellant is the 9th accused in S.C.No.421 of 2009 on the files of the Sessions Court, Thalassery. He stands convicted and sentenced for the offences punishable under Sections 143, 148, 341, 307 and 302 read with Section 149 of the Indian Penal Code. The sentence includes life imprisonment. He had already undergone 5 years of imprisonment. At present, he is serving sentence in Open Prison and Correctional Home, Cheemeni, Kannur.

2. The petitioner is a graduate in BA Economics. While undergoing the sentence in the above case, he successfully completed a distant education program in M.A. (Sociology) from Indira Gandhi National Open University. The petitioner, who is keen to continue his academic pursuit, appeared for entrance examination for LLB, and secured admission at the KMCT

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Law College, Kuttipuram, Malappuram, as evidenced from Annexure-A8.

3. The above application has been filed by the petitioner to enlarge him on bail for the purpose of completing his admission process and also for pursuing the LLB course.

4. We have heard Sri.Nandagopal S. Kurup, the learned counsel for the petitioner/appellant as also Sri.E.C.Bineesh, the learned Public Prosecutor for the respondent .

5. We sought the presence of the Controller of Examinations as also as the Principal of the KMCT Law College, Kuttipuram, Malappuram, to ascertain the feasibility of conducting the admission process and also pursuing the course through online mode without insisting the physical presence of the petitioner.

6. Today, the Controller of Examinations and the Principal of the KMCT Law College, Kuttipuram, Malappuram are present before us through video conference. Both of them stated that the admission process can be done through online mode, and they will make necessary arrangements for the same. The learned counsel for the petitioner submitted that the wife of the petitioner can be

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physically present at the College and submit all the necessary documents and also pay the necessary fees. So far as pursuing the course thereafter is concerned, the Principal submitted that she will consult with the College Authorities and make a proposal in the next hearing date. In the wake of the above submissions, we pass the following directions:

- (i) The admission formalities of the petitioner/appellant to the 3 year LLB course at KMCT Law College, Kuttipuram shall be done through online mode tomorrow [07.10.2023] at 12.00 noon.
- (ii) The Jail Superintendent, Open Prison and Correctional Home, Cheemeni, Kannur shall coordinate with the Principal of the KMCT Law College to make necessary arrangements for the video conference.
- (iii) The wife of the petitioner shall be physically present at the KMCT Law College, at 12.00 noon with all necessary documents. She will also make necessary payment of fees. Subject to that, the petitioner shall appear through the video conferencing link for completing the admission formalities at the time stipulated above.

Post on 25.10.2023. On the said date, the Standing Counsel for the Calicut University shall be present before this Court. The Principal of the KMCT Law College shall also join through video

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conference on the above date. Show the name of the Standing
counsel for the Calicut University in the cause title.

Hand over.

Sd/-
DR. A.K.JAYASANKARAN NAMBIAR
JUDGE

prp/6/10/23



Sd/-
DR. KAUSER EDAPPAGATH
JUDGE

APPENDIX OF CRL.A 740/2018

Annexure A8

**TRUE COPY OF THE FIRST PHASE ALLOTMENT 27.09.2023
ISSUED TO THE PETITIONER BY THE OFFICE OF THE
COMMISSIONER OF ENTRANCE EXAMINATIONS, KERALA**

